

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

UNITED STATES OF AMERICA :

SUPERSEDING

- v. - :

INDICTMENT

NAPOLEON GRIER, :
ANTHONY GUDE, :

S1 17 Cr. 461 (RMB)

Defendants. :

- - - - - x

COUNT ONE

(Conspiracy to Commit Wire Fraud)

The Grand Jury charges:

1. From at least in or about April 2010 up to and including at least in or about August 2012, in the Southern District of New York and elsewhere, NAPOLEON GRIER and ANTHONY GUDE, the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit wire fraud in violation of Section 1343 of Title 18, United States Code.

2. It was a part and an object of the conspiracy that NAPOLEON GRIER and ANTHONY GUDE, the defendants, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire and radio communication in

interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343, to wit, GRIER and GUDE, and other co-conspirators, participated in a scheme to defraud victims (the "Victims") by promising to provide financing that was never actually provided after the Victims paid advance fees.

(Title 18, United States Code, Section 1349.)

COUNT TWO

(Wire Fraud)

The Grand Jury further charges:

3. From at least in or about April 2010 up to and including at least in or about August 2012, in the Southern District of New York and elsewhere, NAPOLEON GRIER and ANTHONY GUDE, the defendants, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire and radio communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, GRIER and GUDE, made false representations and promises to the Victims, thereby causing the Victims to transmit money by wire, and also transmitted emails to the Victims with false statements about financing that was

promised to the Victims but that was never in fact provided after the Victims paid advance fees.

(Title 18, United States Code, Section 1343 and 2.)

FORFEITURE ALLEGATION

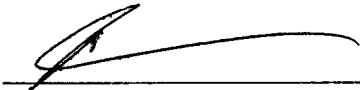
4. As a result of committing the offenses alleged in Counts One and Two of this Indictment, NAPOLEON GRIER and ANTHONY GUDE, the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any and all property, real or personal, which constitutes or is derived from, proceeds traceable to the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

5. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

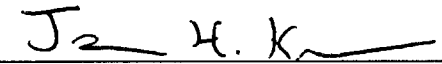
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853 and 28 U.S.C. § 2461, to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981,
Title 21, United States Code, Section 853, and
Title 28, United States Code, Section 2461.)



FOREPERSON
July 28, 2017



JOON H. KIM
Acting United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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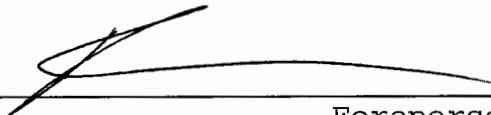
SUPERSEDING
INDICTMENT

S1 17 Cr. 461 (RMB)

(18 U.S.C. §§ 1349, 1343, and 2.)

JOON H. KIM

Acting United States Attorney.



Foreperson.

07/28/17

(CA)

Superseding Indictment Filed
with Arrest Warrants
KATHARINE H. PROCTOR
U.S.M.J.